

**PROPOSED DISCOVERY PLAN/SCHEDULING ORDER<sup>1</sup>**  
**(Magistrate Judge Lee G. Dunst)**

**Case No.: 2:23-cv-02266**

**Date of Initial Conference: December 12, 2023**

Plaintiff(s) (including names of counsel who will appear at the initial conference):  
**Jairo Moreno, by Nolan Klein, Esq.**

Defendants(s) (including names of counsel who will appear at the initial conference):  
**USA Tires Corp., by Steven J. Moser, Esq.**

**PREPARATION FOR INITIAL CONFERENCE**

**1. Rule 26(f) Meeting**

- a. Date(s) meeting(s) held: **December 5, 2023**
- b. Plaintiff(s)' representative(s) who participated: **Nolan Klein, Esq.**
- c. Defendant(s)' representative (s) who participated: **Steven J. Moser, Esq.**

**2. Discovery Exchanged Prior To Initial Conference [insert details below]**

Plaintiff disclosed: **Plaintiff did not produce any documents before the initial conference.**

Defendants disclosed: **Defendants did not produce any documents before the initial conference.**

**3. Electronically Stored Information (if any)**

- a. Have counsel discussed any ESI to be produced? **n/a**
- b. Have the parties entered into an ESI protocol? **n/a**

**4. Protective Order (if any) [insert expected date of submission for Court approval] **n/a****

**5. Do the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. § 636(c)? **No.****

**PHASE 1 DISCOVERY**

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<sup>1</sup> The parties should consult Judge Dunst's Individual Practice Rules if they need further direction about completion of this form to be filed jointly on ECF at least five (5) business days before the Initial Conference. In completing this form, the parties are reminded that the scope of discovery should be "proportional to the needs of the case." Fed. R. Civ. P. 26(b)(1).

1. Date for completion of **automatic disclosures** required by Rule 26(a)(1) of the Federal Rules of Civil Procedure, if not yet made: January 12, 2024
2. Date for completion of **preliminary discovery** necessary for reasoned consideration of settlement: February 12, 2024
3. **Settlement Conference and Mediation** [*Select Option 1 or 2 below*]
  - a. Option 1: Proposed date for initial settlement conference [*any time prior to the commencement of Phase 2 discovery*]
  - b. Option 2: The parties wish to be referred to the EDNY Mediation Program for mediation: Yes.

### **PHASE 2 DISCOVERY**

1. **Deadline** for proposed **amendment of the pleadings** to add claims or join additional parties: January 12, 2024.
2. Anticipated **number of depositions**: plaintiff(s): 4 defendant(s):
3. Date for **completion of fact discovery**: August 12, 2024
4. **Number of expert witnesses**: plaintiff(s): n/a defendant(s): unknown at this time
5. Date for exchange of **expert report(s)**: n/a
6. Date for **completion of expert discovery**: n/a
7. Date for **submission of joint certification of completion of all discovery**: August 12, 2024
8. Final date to take the first step in **dispositive motion practice**: 30 days after close of discovery.  
*(Parties are directed to consult the District Judge's Individual Rules regarding such motion practice).*